

PCF 10/10/03
CENTRAL ANALYSTS**HOGAN & HARTSON L.L.P.**500 SOUTH GRAND AVENUE
SUITE 1900
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Tel: (213) 337-6700
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IMPORTANT NOTICE
TELECOPY/FACSIMILE COVER LETTER

TO: Julia Batts
Technology Center 1600DATE: 11/10/2003FROM: Vivian M. Gutierrez,
Assistant to Barry M. ShumanTIME: 3:10 PMTOTAL NO. OF PAGES, INCLUDING COVER: 18

The attached information is **CONFIDENTIAL** and is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

MESSAGE:

U.S. Patent Application Serial No. 09/478,977

Inventor: Peter C. BROOKS

Filed: January 6, 2000

Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

Julia:

For your information, this Petition was faxed to Examiner Harris at Group Art Unit 1642. Can you please ensure she gets a copy of this as soon as possible?

Thank you so much for your assistance,

Vivian M. Gutierrez

FOR INTERNAL PURPOSES ONLY

TELECOPY/FAX NUMBER: (703) 308-4315
 CLIENT NUMBER: 89188.0007
 ATTORNEY BILLING NUMBER: 2758
 CONFIRMATION NUMBER: (703) 308-1234

Confirmation Report - Memory Send

Page : 001
 Date & Time: Nov-10-03 02:18pm
 Line 1 :
 Line 2 :
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Job number : 845
 Date : Nov-10 02:14pm
 To : 29982758#891880007#17039084315
 Number of pages : 016
 Start time : Nov-10 02:14pm
 End time : Nov-10 02:18pm
 Pages sent : 016
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 Job number : 845

*** SEND SUCCESSFUL ***

HOGAN & HARTSON LLP.
 500 SOUTH GRAND AVENUE
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TO: Alexander Alan M. Harris
 Office Art Unit 1642
 Commissioner for Patents

DATE: 11/10/2003

FROM: Barry M. Sherman

TIME: 12:35 PM

TOTAL NO. OF PAGES, INCLUDING COVER: 16

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MESSAGE: (900 CHARACTER LIMIT)

U.S. Patent Application Serial No. 09/478,977

Inventor: Peter C. BROOKS

Filed: January 6, 2000

Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

PLEASE SEE THE ATTACHED PETITION AND SUPPORTING DOCUMENTS.

Thank you,
 Barry M. Sherman

FOR INTERNAL PURPOSES ONLY

TELECOPY/FAX NUMBER:	1703189463006
CLIENT NUMBER:	80148.00007
ATTORNEY BILLING NUMBER:	3768
CONFIRMATION NUMBER:	(703) 388-1234

HOGAN & HARTSON L.L.P.

500 SOUTH GRAND AVENUE
SUITE 1900
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IMPORTANT NOTICE
TELECOPY/FACSIMILE COVER LETTER

TO: Examiner Alana M. Harris
Group Art Unit 1642
Commissioner for Patents

FROM: Barry M. Shuman

DATE: 11/10/2003

TIME: 12:35 PM

TOTAL NO. OF PAGES, INCLUDING COVER: 16

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MESSAGE: (900 CHARACTER LIMIT)

U.S. Patent Application Serial No. 09/478,977

Inventor: Peter C. BROOKS

Filed: January 6, 2000

Title: METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION

PLEASE SEE THE ATTACHED PETITION AND SUPPORTING DOCUMENTS.

Thank you,
Barry M. Shuman

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TELECOPY/FAX NUMBER: (703) 892-9306

CLIENT NUMBER: 89188.0007

ATTORNEY BILLING NUMBER: 2758

CONFIRMATION NUMBER: (703) 308-1234

Application Serial No. 09/478,977

PATENT
13761-727 (89188.0007)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Peter C. BROOKS
Serial No: 09/478,977
Filed: January 6, 2000
For: **METHOD AND COMPOSITION
FOR ANGIOGENESIS INHIBITION**

Art Unit: 1642
Examiner: Harris, Alana M.

I hereby certify that this correspondence
is being transmitted via facsimile ((703)
308-4242) to:
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450, on
November 10, 2003
Date of Deposit
Barry M. Shuman, Reg. No. 50,220
Name
Barry M. Shuman 11/10/2003
Signature Date

**PETITION TO RESET A PERIOD FOR REPLY
DUE TO LATE RECEIPT OF AN OFFICE
ACTION UNDER MPEP §710.06**

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants are in receipt of an Office Action *dated May 13, 2003* in connection with the above-identified application, which was *faxed* to the applicants on *November 7, 2003* by Julia K. Batts of the Technology Center 1600. A copy of the facsimile cover sheet is included. Also, included is a copy of the front page of the Office Action as faxed, which shows the date and the time the fax was received by applicants at the correspondence address (Exhibit A).

On October 23, 2002, applicants filed Continuing Prosecution Application containing the following new correspondence address (see Exhibit B, page 4, item 10):

Application Serial No. 09/478,977

PATENT
13761-727 (89188.0007)

William E. Thomson, Jr.
Hogan & Hartson, L.L.P.
Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071
Telephone: (213) 337-6700
Fax: (213) 337- 6701

The postcard evidencing the receipt of the CPA request with the request for address change is enclosed (see Exhibit B, page 1). On March 12, 2003, PTO mailed the Corrected Filing Receipt acknowledging CPA to the old correspondence address at McCutchen, Doyle, Brown, and Enersen LLP (Exhibit C, page 1). McCutchen forwarded the Corrected Filing Receipt to the attorney for the applicants at the new correspondence address on March 19, 2003 (Exhibit C, page 3). The Notice of Publication of Application dated June 19, 2003 was also mailed to McCutchen. McCutchen forwarded the Notice to the attorney for the applicants at the new correspondence address on July 21, 2003 (Exhibit C, page 4).

On October 31, 2003, while conducting a routing review of the file, the attorney for the applicants discovered that over a year has elapsed since the CPA filing and no Office Action has been received. The search of the Patent Application Information Retrieval has reveled that an Office Action was mailed on May 13, 2003 (Exhibit D, page 1). Attorney for the applicants contacted McCutchen to find out whether the Office Action has been received at the old mailing address. Edwina Felini of McCutchen checked the files and did not find any records reflecting a receipt of the Office Action. She also noted that it is their normal business practice to promptly forward all correspondence from the PTO to the new attorney in the

Application Serial No. 09/478,977

PATENT
13761-727 (89188.0007)

cases that they are not handling anymore. At the request of the attorney for the applicants, on *November 7, 2003*, Julia K. Batts of the Technology Center 1600 faxed the Office Action of May 13, 2003.

The non-extendible six-month-period for reply to the Office Action of May 13, 2003 ends on November 13, 2003, which is less than a week from the date the Office Action was received by the applicants for the first time. Since a substantial portion of the set reply period had elapsed on November 7, 2003, applicants respectfully request the Examiner to reset the time for responding to the Office Action.

Applicants believe that the mailing date of the Office Action should be reset to November 7, 2003 with the six-month period for reply ending on May 7, 2004.

Applicants ask the Examiner to confirm the grant of this petition by fax to (213) 337- 6701 at the Examiner's earliest convenience but before the six-month due date of November 13, 2003.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Dated: November 10, 2003

By: Barry M. Shuman
Barry M. Shuman, Ph.D.
Registration No. 50,220

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Fax: 213-337-6701

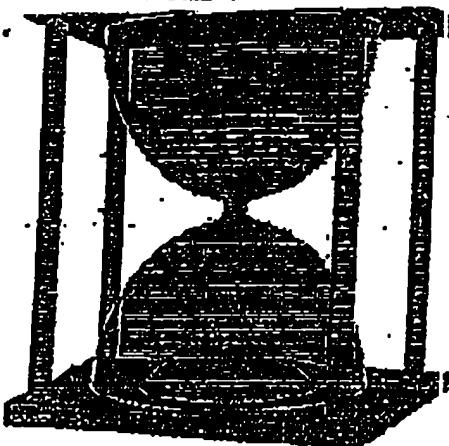


Exhibit A
page 1 of 2

FACSIMILE COVER SHEET

Technology Center 1600

DATE:

Friday, November 7, 2003

ATTN: Viviane Gutierrez

Fax Number: 213/337-6701

FROM:

Julia L. Batts

Fax Number:

NUMBER OF PAGES 11 INCLUDING THIS PAGE

REMARKS: Hi Viviane, regarding the message
to the examiner, do you have a postcard
receipt showing your initial mailing of the change
of address, because that's all you need.
IF YOU HAVE NOT RECEIVED ALL PAGES OF THIS TRANSMISSION, PLEASE
CONTACT Julia Batts AT 703/308-1034.

Nov-10-03 03:20pm · From-Hogan & Hartson L.L.P. Los Angeles, CA 1 213 337 6701
11/07/03 FRI 16:08 FAX 7033057230 GP 1800 FAX 6

T-555 P.008/018 F-436

2002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
PTO, P.O. 1429
Alexandria, Virginia 22313-1429
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,977	03/06/2000	PETER C. BROOKE	17781-727	2450

7590 05/13/2003
RAJIV YADAV
MCCUTCHEON DOYLE BROWN & ERICKSEN LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

EXAMINER
HARRIS, ALANA M
ART UNIT
1640
PAPER NUMBER
2-2

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Received Nov-07-03 12:10pm From-7033057230 To-Hogan & Hartson L.L. Page 002

Exhibit B
page 1 of 4

S.N. File No. 9188.0008 Date Mailed 10/23/02 By: NET/WS
 (Client Name) Mother and Composition for Anigenesis Inhibition
 University of Southern California
 The Following due 10-23-02 in the U.S. Patent and Trademark office was received in the Patent & Trademark Office on the date stamped hereon:

Amendment
 Preliminary Amendment
 PCT Application Including
 Pages Spec. _____ Page Abstract _____ Claims
 Application for Patent Including
 Pages Spec. _____ Page Abstract _____ Claims
 Declaration, Affidavit of Oath (_____ Page(s))
 Assign. Ck No. _____ for \$ _____
 Verified Statement
 Letter of Transmittal
 Amendment Under 37 C.F.R.1.312 (a)
 Check No. _____ for \$ _____
 Check No. _____ for \$ _____
 Check No. _____ for \$ _____

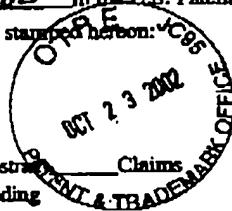
Drawing: # of Sheets _____
 Formal _____ Informal
 Issue Fee Transmittal
 Letter Re _____
 Notice of Appeal
 Petition for _____
 Advance soft copy order
 Ck. No. _____ For \$ _____
 IDS: _____ References
 Certified Copy# of docs
 Priority

Continued Prosecution Application (CPA) Request, Transmittal
 Certificate of Mailing

EL715817126US

S.N. File No. 9188.0008 Date Mailed 10/23/02 By: NET/WS/AC
 (Client Name) Mother and Composition for Anigenesis Inhibition
 University of Southern California
 The Following due 10-23-02 in the U.S. Patent and Trademark office was received in the Patent & Trademark Office on the date stamped hereon:

Amendment
 Preliminary Amendment
 PCT Application Including
 Pages Spec. _____ Page Abstract _____ Claims
 Application for Patent Including
 Pages Spec. _____ Page Abstract _____ Claims
 Declaration, Affidavit of Oath (_____ Page(s))
 Assign. Ck No. _____ for \$ _____
 Verified Statement
 Letter of Transmittal
 Amendment Under 37 C.F.R.1.312 (a)
 Check No. _____ for \$ _____
 Check No. _____ for \$ _____
 Check No. _____ for \$ _____



Drawing: # of Sheets _____
 Formal _____ Informal
 Issue Fee Transmittal
 Letter Re _____
 Notice of Appeal
 Petition for _____
 Advance soft copy order
 Ck. No. _____ For \$ _____
 IDS: _____ References
 Certified Copy# of docs
 Priority

RECEIVED

OCT 29 2002

Continued Prosecution Application (CPA) Request, Transmittal
 Certificate of Mailing

Exhibit B
page 2 of 4

PATENT
Attorney Docket No: 89188.0008 (formerly 13751-727)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter C. Brooks

Serial No.:

Filed: Herewith

For: METHOD AND COMPSOTION FOR ANGIOGENESIS
INHIBITION

Art Unit:

Examiner:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EL715817126US

Date of Deposit: October 23, 2002

Box CPA
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that

- two copies of a letter of transmittal for Continued Prosecution Application (CPA) Request
- check in amount of \$ [AMT OF FILING FEE] as filing fee
- patent application ([# OF PG(S) OF SPEC] page(s) of specification; [# OF CLAIM(S)] claim(s); [# OF PG(S) OF ABSTRACT] page(s) of abstract
- [# OF SHEET(S) OF DWGS] sheet(s) of informal drawings
- executed Declaration and Power of Attorney
- assignment of the invention to [NAME OF ASSIGNEE]
- certified copy of [COUNTRY] patent application No. [APPL'N #] which was filed [FILING DATE] from which priority is claimed in the subject case pursuant to 35 U.S.C. § 119
- Preliminary Amendment
- Information Disclosure Statement with [# OF REFERENCES] references
- return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box CPA
Commissioner for Patents
Washington, D.C. 20231.

Date: October 23, 2002

Hogan & Hartson, LLP
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Facsimile: 213-337-6701

Nilka Mickey

Name of person mailing papers

Nilka Mickey

Signature

Please type a plus sign (+) inside this box:

PTO/SB/29 (1/98)

Approved for use through 09/30/00, OBM 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to collection of information unless it displays a valid OMB control number.

Exhibit B; page 3 of 4

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional Application under 37 CFR 1.53(d))

CHECK BOX, if applicable:
 DUPLICATE

Address to: Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	13761-727 (New Dkt No. 89188.0008)
	First Named Inventor	Peter C. Brooks
	Express Mail Label No.	EL715817126US
	Total Pages	3

This is a request for a continuation or divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/478,977 filed on January 6, 2000, entitled METHOD AND COMPOSITION FOR ANGIOGENESIS INHIBITION.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an International application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14863 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.59(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of the CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 Statement: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on [DATE 1.116 FIRST FILED] under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:
[INVENTOR(S)' NAME(S) TO DELETE]
 - b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. A new power of attorney or authorization of agent (PTO/SB/81) will follow.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

Exhibit B
page 4 of 4

CALCULATION OF FEES									
ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE		
A	TOTAL CLAIMS FEE	55	-20	35	LG=\$18 SM=\$9	\$[FEE]	\$830		
B	INDEPENDENT CLAIMS FEE**	2	-3	0	LG=\$84 SM=\$42	\$[FEE]	\$ 0		
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)								
D	MULTIPLE-DEPENDENT CLAIMS FEE				LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140		\$ [FEE]		
E	BASIC FEE				LARGE ENTITY FEE = \$740 SMALL ENTITY FEE = \$370		\$ 740		
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)								
	**LIST INDEPENDENT CLAIMS 1 and 43								

6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 - 1314 :

- Fees required under 37 CFR 1.16.
- Fees required under 37 CFR 1.17.
- Fees required under 37 CFR 1.18.

8. A check in the amount of \$ _____ is enclosed.

9. Payment by credit card. Form PTO-2038 is attached.

10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of [#] months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. New Attorney Docket Number, if desired 89188.0008
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. Return Receipt Postcard (Should be specifically itemized. See MPEP 503)

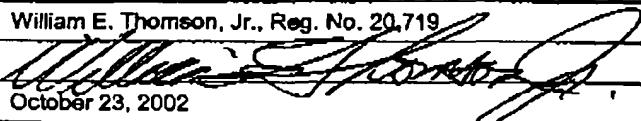
13. Other: [DESCRIPTION OF "OTHER"]

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> New correspondence address below
26021 PATENT TRADEMARK OFFICE		
NAME	William E. Thomson, Jr. HOGAN & HARTSON L.L.P.	
ADDRESS	Biltmore Tower 500 South Grand Avenue Suite 1900	
CITY	Los Angeles	STATE California ZIP CODE 90071
COUNTRY	USA	TELEPHONE (213) 337-6700 FAX (213) 337-6701

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	William E. Thomson, Jr., Reg. No. 20,719
SIGNATURE	
DATE	October 23, 2002

(Page 2 of 2)